

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GUNILLA A. SUNDSTROM,
ANTHONY C. SALVADOR and
THOMAS F. MERTZIG

Appeal No. 97-0883
Application 08/138,650¹

ON BRIEF

Before THOMAS, MARTIN, and JERRY SMITH, Administrative Patent
Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed October 18, 1993.

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This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-9, which constitute all the claims in the application.

The disclosed invention pertains to a computer system for monitoring devices in a telecommunications network. More particularly, the invention is directed to the manipulation of information on a display device by a user. A plurality of tasks can be presented on the display device. A task is the grouping of certain information regarding the status of the tele-communications network [Specification at page 2, lines 24-26]. All the information associated with a given task can be accessed and manipulated at one time by the user. A selection means is provided for selecting a subset of the tasks for presentation by the display device.

Representative claim 1 is reproduced as follows:

1. A computer system for monitoring a plurality of tasks composed of one or more events to control devices in a telecommunications network comprising:

input means for receiving said events from devices in the telecommunications network;

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grouping means for grouping one or more events into a said task;

display means for graphically presenting said tasks;

selection means coupled to the display means for selecting
a subset of said tasks for presentation by the display means.

The examiner relies on the following reference:

Weiss et al. (Weiss)	5,363,315	Nov. 08, 1994
		(filed June 30, 1992)

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Weiss.

Rather than repeat the arguments of appellants or the examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the brief along with the

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examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Weiss does not fully meet the invention as recited in claims 1-9. Accordingly, we reverse.

Appellants have indicated that for purposes of this appeal the claims will all stand or fall together as a single group [brief, page 4]. Consistent with this indication appellants have made no separate arguments with respect to any of the claims on appeal. Accordingly, all the claims before us will stand or fall together. Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983). Therefore, we will consider the rejection against independent claim 1, which is the broadest claim on appeal, as representative of all the claims on appeal.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as

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well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Assocs. Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to representative, independent claim 1, the examiner indicates how he reads the four elements of claim 1 on Weiss [answer, page 3]. Appellants argue that the meaning of "task" as used in their claims is very much different than the meaning of task used by Weiss. Appellants also argue that the claimed invention and the teachings of Weiss are in entirely different fields of technology [brief, pages 4-6]. Since we are of the view that the examiner has not properly considered all the language of the claims on appeal, we do not sustain the examiner's rejection of claims 1-9 as anticipated by Weiss.

As we noted above in the discussion of the invention, a key feature of the invention is that certain events can be

grouped as tasks and the tasks can be displayed to a user for access and manipulation on the display. This feature is represented in claim 1 by the recitation of a selection means for "selecting a subset of said tasks for presentation by the display means." Thus, claim 1, as well as independent claim 8, recite that a selection means orders the task information for presentation on the display means. An element for implementing this function is not present in Weiss.

The examiner has pointed to display 160 of Weiss as meeting the claimed display means and to column 3, lines 27-30 as meeting the claimed selection means [answer, page 3]. These portions of Weiss, however, provide no indication of what information is presented on the display means or how the presented information is affected by the "selection means." In fact, we can find no teaching or suggestion in Weiss that information presented on the display can be controlled in any particular manner. The "selection means" pointed to by the examiner simply does not perform the function of that means as recited in claims 1 and 8.

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It appears to us that the examiner has failed to appreciate that the invention is primarily directed to the manipulation of data (tasks) related to a telecommunications network on a display device. Although such data manipulations are well known in graphical user interfaces (GUIs) and object oriented programming, for example, no reference related to these concepts has been applied in any rejection of the claims on appeal.

In summary, Weiss simply is unrelated to the claimed invention and does not disclose all the limitations recited in independent claims 1 and 8. Although we cannot say on this record whether there is better prior art available than Weiss, we can say that Weiss does not fully meet the invention as required under 35 U.S.C. § 102.

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Therefore, the decision of the examiner rejecting
claims 1-9 under 35 U.S.C. § 102 is reversed.

REVERSED

	JAMES D. THOMAS)	
	Administrative Patent Judge)	
)	
)	
)	
	JOHN C. MARTIN)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
	JERRY SMITH)	
	Administrative Patent Judge)	

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